

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDIN LEE JOHNSON,

Case No. 2:20-cv-01005-APG-EJY

Plaintiff,

V.

QUANISHA HOLLOWAY; ANDREA ORWOLL; and ELLIOTT ANDERSON,

Defendants.

ORDER

I. DISCUSSION

On June 1, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff neither paid the full \$400 filing fee nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit *all three* of the following documents to the Court:

- (1) a completed ***Application to Proceed in Forma Pauperis for Inmate***, on this Court's approved form (pages 1 through 3 with the inmate's two signatures on page 3),
 - (2) a ***Financial Certificate*** properly signed by the inmate and a prison or jail official (page 4 of this Court's approved form), and
 - (3) a copy of the ***inmate's prison or jail trust fund account statement for the previous six-month period***.

The Court grants Plaintiff a ***one-time*** extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before ***August 17, 2020***. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing

1 fee on or before **August 17, 2020**, the Court may recommend dismissal of this case without prejudice
 2 which allows Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all
 3 three of the documents needed to file a fully complete application to proceed *in forma pauperis* or
 4 pay the full \$400 filing fee.

5 A dismissal *without prejudice* means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 8 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 9 **August 17, 2020** to proceed with this case.

10 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not
 11 file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in*
 12 *forma pauperis* with all three documents or pays the full \$400 filing fee.

13 II. CONCLUSION

14 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send
 15 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the
 16 document entitled information and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **August 17, 2020**, Plaintiff shall either pay
 18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

- 20 (1) a completed ***Application to Proceed in Forma Pauperis for Inmate*** on this Court's
 21 approved form (pages 1 through 3 of the form with the inmate's two signatures on page 3),
- 22 (2) a ***Financial Certificate*** properly signed by both the inmate and a prison or jail official
 23 (page 4 of this Court's approved form), and
- 24 (3) a copy of the ***inmate's prison or jail trust fund account statement for the previous six-***
 25 ***month period.***

26 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
 27 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
 28

1 on or before **August 17, 2020**, the Court will recommend dismissal of this action *without prejudice*
2 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
3 documents needed to file a complete application to proceed *in forma pauperis* or is able to pay the
4 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the Complaint (ECF
6 No.1-1) but will not file it at this time.

7 Dated this 17th day of July, 2020

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10 ELAYNA J. YOUCRAH
11 UNITED STATES MAGISTRATE JUDGE

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